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University of California

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

TANIA P., an individual,

Plaintiff

v.

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA; and DOES 1-10,
Inclusive.

Defendants.

Case No.: CV 22-2959-GW-MRWx

**ORDER GRANTING IN PART
AND DENYING IN PART
DEFENDANT’S MOTION TO
DISMISS THE FIRST AMENDED
COMPLAINT**

DATE: December 15, 2022
TIME: 8:30 a.m.
CRTRM: 9D

On November 28, 2022, and December 15, 2022, the parties appeared for the hearings on Defendant The Regents of the University of California’s motion to dismiss plaintiff’s first amended complaint. Plaintiff was represented by Danielle De Smeth of Bamieh & De Smeth. Defendant was represented by Alison Bernal of Nye, Stirling, Hale & Miller. After consideration of all the papers on file and hearing argument of counsel at the hearings, the Court finds as follows: Defendant’s motion to dismiss is granted in part and denied in part as set forth in the Tentative Ruling issued on November 25, 2022 (Docket No. 34).

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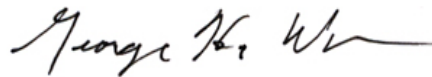
As set forth in the Order, the Court:

1. First Cause of Action: Title IX Discrimination, Pre-Assault Theory:
Motion to dismiss granted, without leave to amend.
2. First Cause of Action: Title IX Discrimination, Post-Assault Theory:
Motion to dismiss denied.
3. Second Cause of Action: Title IX Retaliation: Motion to dismiss denied.
4. Third Cause of Action: American with Disabilities Act: Motion to dismiss granted, with leave to amend.
5. Fourth Cause of Action: § 504 of the Rehabilitation Act 29 U.S.C. 794:
Motion to dismiss granted, with leave to amend.
6. Fifth Cause of Action: Unruh Civil Rights Act: Motion to dismiss granted, without leave to amend.
7. Emotional Distress Damages: Motion to dismiss granted.

Plaintiff shall have until January 6, 2023, to file a second amended complaint in line with the Court's Order. The Court continues the scheduling conference to January 26, 2023, at 8:30 a.m.

IT IS SO ORDERED.

Dated: January 10, 2023



HON. GEORGE H. WU
UNITED STATES DISTRICT JUDGE